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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,667	06/22/1999	YOSHIHARU SASAKI	Q54770	9266
7590 05/10/2004				
SUGHRURE MION ZINN MACPEAK & SEAS PLLC 2100 PENNSYLVANIA AVENUE N W WASHINGTON, DC 200373202			EXAMINER PHAM, HAI CHI	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/337,667

Applicant(s)

SASAKI ET AL.

Examiner

Hai C Pham

Art Unit

2861

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 4.

Claim(s) rejected: 1,2,5,12,17 and 19-22.

Claim(s) withdrawn from consideration: 6-11 and 13-16.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: The proposed Amendment after the Final Rejection will not be entered because Applicants' argument is not persuasive. The teaching that is readable over the applied art of Takanashi et al. (U.S. 4,527,171) as modified by Koguchi et al. (U.S. 5,578,824), clearly read on the claimed subject matters. Applicants argue that the abovementioned prior arts cannot be combined and the features such as cut sheet medium and roll-form medium cannot be interchanged without same basis in the art, e.g., "the physical characteristics for securing a roll to the drum differ from that for a cut sheet medium". Applicants further indicates that the examiner has failed to rebut the reasons for non-combinability. However, the examiner has explained in his rebuttal in the Final Rejection paper and pointed to the different embodiments disclosed by Koguchi et al. to show the combinability of the prior arts of record, specially Figure 4 of Koguchi et al. and the associated discussions indicate that the printing system that receives the image receiving medium in the form of a cut sheet can be modified to accept the image receiving medium in the form of a continuous web-like sheet. In other word, the interchange is feasible and constitutes only a simple routine to one skilled in the art. Applicants further argue that the "suctioning [taught by Koguchi et al.] would not be appropriate using the wax-binder taught by Takanashi". However, conventionally, the wax is used as a binder to promote the cohesion and adhesion of the colorant particles, and the wax-binder is taught by both Takanashi et al. and Koguchi et al., with the latter teaching using the wax-binder colorant medium along with the vacuum-type drum to secure the medium against the drum. In other word, such suctioning is appropriate using the wax-binder medium. Therefore, the examiner maintains the rejection of the pending claims as previously presented in the Office action issued on December 29, 2003.



HAI PHAM
PRIMARY EXAMINER

5/6/04